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ART UNIT	**PAPER NUMBER**
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/216,489	Applicant(s) MOHAMMED ET AL.	
	Examiner Justin P Misleh	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 March 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *29 - 52* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *29 - 52* is/are rejected.

7)☒ Claim(s) *31 and 41* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3 March 2004 have been fully considered but they are not persuasive. The Examiner's position regarding the claims, as set forth in the Non-Final Office Action (Paper No. 12, 4 December 2003), is maintained, as will be evident in Examiner's response to arguments below.

Rejections of Claims 29 – 38

The Applicant argues, "Noro fails to teach or even suggest the triggering of claim 29. More specifically, referring to Figure 9 in Noro, Noro teaches transmitting a simple control command (diamond S16) or a normal control command (diamond S17). More particularly, Noro discloses transmitting one of these commands to the camera if the camera is not in operation (pursuant to diamond S20). Noro does not explicitly state accumulating commands. However, Applicant recognizes that if the camera is in operation, Noro may arguably teach accumulating commands until the camera is again in operation. However, even assuming, for the purposes of argument, that Noro provides this teaching, Noro does not teach or even suggest trigger the transmission of all accumulated commands to the camera *in response* to the determination that one of the commands is an action commands. (*emphasis added*). Rather, in Noro, the triggering of all accumulated commands would be in response to the camera not being in operation, and not in response to one of the commends being an action command. Therefore, Noro fails to teach or

even suggest all of the limitations of independent claim 29 and thus, Noro fails to anticipate the claim."

Initially, the Examiner would like to summarize Noro et al.

Noro et al. disclose, as shown in figures 5 – 11 and as stated in column 6 (line 34) – column 11 (line 26), a method for controlling the communication within an imaging system wherein the imaging system comprises an imaging device, an imaging management device, and an imaging operation device. Specifically, according Noro et al. as shown in figure 5 and as stated in column 6 (lines 45 – 67), the imaging device is comprised of a video camera (16), the imaging management device (12) is mainly comprised of a storage unit (32) and a camera controller (34), and the imaging operation device (20) is mainly comprised of a console (46), a monitor (50), a storage unit (42), and an operation manager (48). The imaging management device (12) and the imaging operation device (20) are connected by means of a LAN (10) and/or any other suitable network means (see column 13, lines 1 – 9) and may comprise a plurality of imaging management devices (14, etc.) and a plurality of imaging operation devices (22, etc.), as stated in column 7 (lines 49 – 59). In the event a plurality of imaging operation devices (20, 22, etc.) attempt to control the same single imaging device (e.g. 16), *right of access* (i.e. sole access), is given to the imaging operation device (20, 22, etc.) that was connected to the imaging device (16) the earliest in terms of time, as stated in column 9 (lines 3 – 9).

Together the imaging management devices (12, 14, etc.) and imaging operation devices (20, 22, etc.) are operable to control the operation of the imaging devices (16, 18, etc.). There are essentially two distinct imaging device control methods in which the control of an imaging

device is performed. Both of the control methods originate in the imaging operation device (20) and neither of the control methods can be performed without the complete participation of the imaging device (16), the imaging management device (12), and the imaging operation device (20). The imaging operation device (20) is comprised of a console (46) wherein the console (46) may be strictly software implemented (see column 7, lines 39 – 48) and operable from within are camera pan buttons (62 and 64), camera tilt buttons (66 and 68), camera zoom buttons (72 and 74), and camera position preset buttons (61, 63, 65, 67, 69, and 71), as shown in figure 6 and as stated in columns 7 (lines 60 – 67) and 8 (lines 1 - 10).

The **first control method** is designated, by Noro et al., as *normal control* and is defined as an immediate response control method. In other words, if a user is accessing the console (46) and depresses the camera pan button (62) corresponding to a pan left operation, a command representative of that button and capable of instructing the camera to perform that operation is immediately generated and transmitted to the imaging management device (12). The imaging management device (12) communicates with the imaging device (16) so as to control the imaging device (16) to perform the user's desired control for the duration of time that that particular button is depressed. As stated by Noro et al. (column 9, lines 56 – 59), the following buttons are included under *normal control*: camera pan buttons (62 and 64), camera tilt buttons (66 and 68), and camera zoom buttons (72 and 74).

To further explain *normal control*, the Examiner directs the Applicant to figure 9. In figure 9, it is judged in Step 16 as to whether *simple control* is chosen or *normal control* is chosen. Since, in the Examiner's example above, the user depressed a button (e.g. camera pan button 62) that is classified, by Noro et al., as part of *normal control*, flow from Step 16 moves

on to Step 17 to **generate** the *normal control* command. The *normal control* command is then transmitted to the imaging management device (12) is Step 19. In Step 20, it is judged whether the camera is in operation. Noro et al. states, in column 10 (lines 7 – 10), that the camera is considered in operation if one of the various buttons listed above (62, 64, 66, 68, 72, 74, 61, 63, 65, 67, 69, and 71) is kept depressed by the user. In the Examiner's example of *normal control*, if the camera pan button (62) were depressed by a user for a duration of time, the camera would be positioned according to the operation (pan left) of that button (62) for the duration of time that that particular button (62) is depressed. Hence, as stated above, *normal control* is defined as an immediate response control method.

The **second control method** is designated as *simple control* and is defined as a delayed response control method. In other words, if a user is accessing the console (46) and depresses one of the camera preset position buttons (61) corresponding to a previously set position of the camera, commands representative of that button (61) and capable of instructing the camera to perform the positioning are identified and gathered from the storage unit (42) within the imaging operation device (20) and transmitted to the imaging management device (12). The imaging management device (12) communicates with the imaging device (16) to perform the user's desired control according preset position data. The preset position data in the storage unit (42) is comprised of data representative of certain predetermined camera pan angles, tilt angles, and zoom ratios corresponding to a particular camera position. Each preset position button corresponds to a particular previously designated camera position. As stated by Noro et al. (column 9, lines 56 – 59), the following buttons are included under *simple control*: camera preset position buttons (61, 63, 65, 67, 69, and 71).

To further explain *simple control*, the Examiner directs the Applicant to figure 9. In figure 9, it is judged in Step 16 as to whether *simple control* is chosen or *normal control* is chosen. Since, in the Examiner's example above, the user depressed a button (e.g. camera preset position button 61) that is classified, by Noro et al., as part of *simple control*, flow from Step 16 moves on to Step 18 to **generate** and **accumulate** the *simple control* commands. *Simple control*, at least, requires identifying the current camera position, fetching the camera preset position data corresponding to the depressed preset position button from the storage unit (42), **generating** and **accumulating** a set of commands that command the camera to move from its current position to its preset position, and transmitting those commands to the camera. The **generated** and **accumulated** *simple control* commands are comprised of both camera **setup** and **action commands** (i.e. commands that position/setup the camera in a new position to capture a new field of view). *Simple control* is performed in response to a **trigger** wherein the depression of one of the camera preset position buttons, by a user, **triggers** *simple control*. Since, *simple control* is comprised of both camera **setup** and **action commands**, the **triggering** is performed in response to the determination that at least one of those commands is an action command. Lastly, in Step 20, it is judged whether the camera is in operation. Noro et al. states, in column 10 (lines 7 – 10), that the camera is considered in operation if one of the various buttons listed above (62, 64, 66, 68, 72, 74, 61, 63, 65, 67, 69, and 71) is kept depressed by the user. In the Examiner's example of *simple control*, if a user depresses another camera preset position button (e.g. 63), the camera would be positioned according to the preset position data of that button (62). Hence, as stated above, *simple control* is defined as a delayed response control method.

Now, the Examiner would like to address the Applicant's arguments.

The Applicant begins arguments by focusing on the purpose of Step 20 of figure 9 and that Noro et al. teach "transmitting one of these commands to the camera if the camera is not in operation (pursuant to diamond S20)."

As stated above, in Step 20 of figure 9, it is judged whether the camera is in operation. Noro et al. states, in column 10 (lines 7 – 10), that the camera is considered in operation if one of the various buttons listed above (62, 64, 66, 68, 72, 74, 61, 63, 65, 67, 69, and 71) is kept depressed by the user. As clearly shown in figure 9, if the camera is in operation (i.e. one of the various buttons is kept depressed by the user), the flow moves on to Step 16 where it is determined if one of the various buttons kept depressed by the user corresponds to *simple control* or *normal control*. Thus, **the transmission in Step 19 only occurs when the camera is in operation**.

Furthermore, the Applicant argues, "Noro does not explicitly state accumulating commands. However, Applicant recognizes that if the camera is in operation, Noro may arguably teach accumulating commands until the camera is again in operation."

The Examiner has proved that the camera is in operation during the Steps 16 – 20. **The Applicant concedes that if the camera is in operation, Noro et al. teach accumulating commands**. Furthermore, as stated above, Step 18 generates and accumulates the *simple control* commands. *Simple control*, at least, requires identifying the current camera position, fetching the camera preset position data corresponding to the depressed preset position button from the storage unit (42), generating and accumulating a set of commands that command the camera to move from its current position to its preset position, and transmitting those commands to the

camera. The generated and accumulated *simple control* commands are comprised of both camera setup and action commands (i.e. commands that position/setup the camera in a new position to capture a new field of view). Therefore, **Noro et al. disclose accumulating commands**.

The Applicant concludes arguments by stating, "However, even assuming, for the purposes of argument, that Noro provides this teaching [accumulating commands], Noro does not teach or even suggest trigger the transmission of all accumulated commands to the camera *in response* to the determination that one of the commands is an action commands. (*emphasis added*). Rather, in Noro, the triggering of all accumulated commands would be in response to the camera not being in operation, and not in response to one of the commends being an action command."

As set forth above, the camera is in operation during the Steps 16 – 20 and the transmission in Step 19 only occurs when the camera is in operation and when the camera is in operation and in *simple control*, Noro et al. teach accumulating commands. In regards to the triggering, the Examiner states: *Simple control* is performed in response to a trigger wherein the depression of one of the camera preset position buttons, by a user, triggers *simple control*. Since, *simple control* is comprised of both camera setup and action commands, the triggering is performed in response to the determination that at least one of those commands is an action command. Therefore, **Noro et al. clearly disclose triggering all accumulated commands to the camera is response to the determination that one of the commands is an action commands**.

Rejections of Claims 39 – 48

The Applicant argues, "Noro neither teaches nor even suggests instructions to cause a processor-based system to trigger the transmission of accumulated commands to an imaging device in response to the determination that one of the commands is the action command."

The Examiner would like to address the Applicant's arguments.

The Examiner, as proven above, Noro et al. disclose a system to trigger the transmission of accumulated commands to an imaging device in response to the determination that one of the commands is the action command. Claims 39 – 48 are concerned with the system being a processor-based system. It is apparent from figure 5, figure 9, and column 9 (lines 28 – 36), that the system is a processor-based system.

Claim Objections

2. **Claims 31 and 41** are objected to because of the following informalities: inconsistencies with their respective parent claims. Claims 31 and 41 state therein *the digital camera*, however, no previous digital camera has been claimed. Rather *an imaging device* is claimed in their respective parent claims.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 29 – 34, 36 – 44, and 46 – 52** are rejected under 35 U.S.C. 102(e) as being anticipated by Noro et al.

For **Claims 29, 39, and 49**, Noro et al. disclose, as shown in figures 5 – 11 and as stated in column 6 (line 34) – column 11 (line 26), a method for controlling the communication within an imaging system wherein the imaging system comprises an imaging device, an imaging management device, and an imaging operation device. Specifically, according Noro et al. as shown in figure 5 and as stated in column 6 (lines 45 – 67), the imaging device is comprised of a video camera (16), the imaging management device (12) is mainly comprised of a storage unit (32) and a camera controller (34), and the imaging operation device (20) is mainly comprised of a console (46), a monitor (50), a storage unit (42), and an operation manager (48). The imaging management device (12) and the imaging operation device (20) are connected by means of a LAN (10) and/or any other suitable network means (see column 13, lines 1 – 9) and may comprise a plurality of imaging management devices (14, etc.) and a plurality of imaging operation devices (22, etc.), as stated in column 7 (lines 49 – 59). In the event a plurality of imaging operation devices (20, 22, etc.) attempt to control the same single imaging device (e.g. 16), *right of access* (i.e. sole access), is given to the imaging operation device (20, 22, etc.) that was connected to the imaging device (16) the earliest in terms of time, as stated in column 9 (lines 3 – 9).

Together the imaging management devices (12, 14, etc.) and imaging operation devices (20, 22, etc.) are operable to control the operation of the imaging devices (16, 18, etc.). There

are essentially two distinct imaging device control methods in which the control of an imaging device is performed. Both of the control methods originate in the imaging operation device (20) and neither of the control methods can be performed without the complete participation of the imaging device (16), the imaging management device (12), and the imaging operation device (20). The imaging operation device (20) is comprised of a console (46) wherein the console (46) may be strictly software implemented (see column 7, lines 39 – 48) and operable from within are camera pan buttons (62 and 64), camera tilt buttons (66 and 68), camera zoom buttons (72 and 74), and camera position preset buttons (61, 63, 65, 67, 69, and 71), as shown in figure 6 and as stated in columns 7 (lines 60 – 67) and 8 (lines 1 - 10).

The **first control method** is designated, by Noro et al., as *normal control* and is defined as an immediate response control method. In other words, if a user is accessing the console (46) and depresses the camera pan button (62) corresponding to a pan left operation, a command representative of that button and capable of instructing the camera to perform that operation is immediately generated and transmitted to the imaging management device (12). The imaging management device (12) communicates with the imaging device (16) so as to control the imaging device (16) to perform the user's desired control for the duration of time that that particular button is depressed. As stated by Noro et al. (column 9, lines 56 – 59), the following buttons are included under *normal control*: camera pan buttons (62 and 64), camera tilt buttons (66 and 68), and camera zoom buttons (72 and 74).

To further explain *normal control*, the Examiner directs the Applicant to figure 9. In figure 9, it is judged in Step 16 as to whether *simple control* is chosen or *normal control* is chosen. Since, in the Examiner's example above, the user depressed a button (e.g. camera pan

button 62) that is classified, by Noro et al., as part of *normal control*, flow from Step 16 moves on to Step 17 to **generate** the *normal control* command. The *normal control* command is then transmitted to the imaging management device (12) is Step 19. In Step 20, it is judged whether the camera is in operation. Noro et al. states, in column 10 (lines 7 – 10), that the camera is considered in operation if one of the various buttons listed above (62, 64, 66, 68, 72, 74, 61, 63, 65, 67, 69, and 71) is kept depressed by the user. In the Examiner's example of *normal control*, if the camera pan button (62) were depressed by a user for a duration of time, the camera would be positioned according to the operation (pan left) of that button (62) for the duration of time that that particular button (62) is depressed. Hence, as stated above, *normal control* is defined as an immediate response control method.

The **second control method** is designated as *simple control* and is defined as a delayed response control method. In other words, if a user is accessing the console (46) and depresses one of the camera preset position buttons (61) corresponding to a previously set position of the camera, commands representative of that button (61) and capable of instructing the camera to perform the positioning are identified and gathered from the storage unit (42) within the imaging operation device (20) and transmitted to the imaging management device (12). The imaging management device (12) communicates with the imaging device (16) to perform the user's desired control according preset position data. The preset position data in the storage unit (42) is comprised of data representative of certain predetermined camera pan angles, tilt angles, and zoom ratios corresponding to a particular camera position. Each preset position button corresponds to a particular previously designated camera position. As stated by Noro et al.

(column 9, lines 56 – 59), the following buttons are included under *simple control*: camera preset position buttons (61, 63, 65, 67, 69, and 71).

To further explain *simple control*, the Examiner directs the Applicant to figure 9. In figure 9, it is judged in Step 16 as to whether *simple control* is chosen or *normal control* is chosen. Since, in the Examiner's example above, the user depressed a button (e.g. camera preset position button 61) that is classified, by Noro et al., as part of *simple control*, flow from Step 16 moves on to Step 18 to **generate** and **accumulate** the *simple control* commands. *Simple control*, at least, requires identifying the current camera position, fetching the camera preset position data corresponding to the depressed preset position button from the storage unit (42), **generating** and **accumulating** a set of commands that command the camera to move from its current position to its preset position, and transmitting those commands to the camera. The **generated** and **accumulated** *simple control* commands are comprised of both camera **setup** and **action commands** (i.e. commands that position/setup the camera in a new position to capture a new field of view). *Simple control* is performed in response to a **trigger** wherein the depression of one of the camera preset position buttons, by a user, **triggers** *simple control*. Since, *simple control* is comprised of both camera **setup** and **action commands**, the **triggering** is performed in response to the determination that at least one of those commands is an action command. Lastly, in Step 20, it is judged whether the camera is in operation. Noro et al. states, in column 10 (lines 7 – 10), that the camera is considered in operation if one of the various buttons listed above (62, 64, 66, 68, 72, 74, 61, 63, 65, 67, 69, and 71) is kept depressed by the user. In the Examiner's example of *simple control*, if a user depresses another camera preset position button

(e.g. 63), the camera would be positioned according to the preset position data of that button (62). Hence, as stated above, *simple control* is defined as a delayed response control method.

Therefore, Noro et al. disclose a method comprising/instructions to cause a processor-based system to/a system comprising:

accumulating commands generated by the execution of an application program, the commands including an action command (see explanation above) to cause an imaging device to perform an action and at least one set up command (see explanation above) to set up the imaging device to perform the action;

determining whether one of the commands generated by the execution of the application program is said action command (determined in Step S16); and

triggering transmission (transmitted in Step S19) of all of the accumulated commands to the imaging device in response to the determination that one of the commands is the action command.

5. As for **Claims 30 and 40**, Noro et al. disclose, as shown in figure 9 and as stated above, the accumulated commands are comprised of the action command (see explanation above) and the setup command (generated by Step S18). The accumulated commands are transmitted in Step S19, which is the last step in the flow of the control method. The transmitting in Step S19 can only be reached once it is determined in Step S16 that one of the commands is the action command. Also, as shown in figure 9, the action command and the setup command are accumulated only once to flow in the control method and thus only a single set of accumulated commands are generated and transmitted at one time. Thus, Noro et al. disclose responding to

the determination by transmitting the accumulated commands to the imaging device during a time in which no other commands are transmitted to the imaging device.

6. As for **Claims 31 and 41**, Noro et al. disclose that the imaging management device (12) and the imaging operation device (20) are connected by means of a LAN (10) and/or any other suitable network means (see column 13, lines 1 – 9). Also, as stated in column 7 (lines 36 and 37), Noro et al. disclose that the imaging device (16) transmits video images to a monitor (50) within the imaging operation device (20) and that the imaging operation device (20) transmits commands to the imaging management device (12), via the LAN (10). Furthermore, as stated in column 8 (lines 26 – 36), the video images may be transmitted at a bit rate of 290 kbits/s. Since, Noro et al. disclose a bit rate as the rate in which the video images may be transmitted to the imaging operation device (20) from the imaging device (16), Noro et al. inherently disclose that the video images and commands are delivered to the imaging operation device (20) and the imaging management device (12) over a serial bus. Lastly, Noro et al. disclose that the imaging operation device (20) may be a personal computer, as stated in column 9 (lines 28 – 36). Therefore, Noro et al. disclose transmitting all o the accumulated commands to the imaging device over a serial bus in response to the determination that one of the commands is the action command.

7. As for **Claims 32 and 42**, Noro et al. disclose, as supported in column 8 (lines 26 – 36), wherein the action command (see explanation above) comprises a command to instruct the imaging device to capture a frame of a video image. As stated above, the action command is generated by the application program in response to a user's input into the console (46). The action command instructs the imaging device (16) to perform a particular action. In the case of

simple control, the imaging device (16) is instructed to capture a video image at a preset position. Video images are comprised of a series of still image frames and, therefore, a frame of a video image is captured.

8. As for **Claims 33 and 43**, Noro et al. disclose, as supported in column 8 (lines 26 – 36), wherein the action command (see explanation above) comprises a command to instruct the imaging device to capture a frame of a still image. As stated above, the action command is generated by the application program in response to a user's input into the console (46). The action command instructs the imaging device (16) to perform a particular action. In the case of *simple control*, the imaging device (16) is instructed to capture a video image at a preset position. Video images are comprised of a series of still image frames and, therefore, a frame of a video image is captured.

9. As for **Claims 34 and 44**, Noro et al. disclose that the imaging management device (12) and the imaging operation device (20) are connected by means of a LAN (10) and/or any other suitable network means (see column 13, lines 1 – 9). Also, as stated in column 7 (lines 36 and 37), Noro et al. disclose that the imaging device (16) transmits video images to a monitor (50) within the imaging operation device (20), via the LAN (10). Furthermore, as stated in column 8 (lines 26 – 36), the video images may be transmitted at a bit rate of 290 kbits/s. Since, Noro et al. disclose a bit rate as the rate in which the video images may be transmitted to the imaging operation device (20) from the imaging device (16), Noro et al. inherently disclose that the video images are delivered to the imaging operation device (20) over a serial bus. Lastly, Noro et al. disclose that the imaging operation device (20) may be a personal computer, as stated in column 9 (lines 28 – 36). Therefore, Noro et al. disclose wherein the action command comprises a

command to instruct the imaging device to deliver a frame of a previously captured still image to a computer over a serial bus.

10. As for **Claims 36 and 46**, Noro et al. disclose, as stated in column 9 (lines 28 – 36), a driver program is loaded from an external storage device onto a main memory and after loading the driver program, the flowchart, representing the control method, is implemented in the imaging operation device (20) by means of an application program, as stated in column 7 (lines 39 – 48), that is comprised of a graphical user interface (GUI) and interactive with a pointing device (mouse). As stated above, the accumulating, triggering, and determining of commands take place in the application program. Therefore, Noro et al. disclose wherein the accumulating, triggering, and determining occur in response to execution of a driver program for the imaging device (16), the drive program being separate from the application program.

11. As for **Claims 37, 47, and 50**, Noro et al. disclose, as stated above, that the action command is generated by the application program in response to a user's input into the console (46). The action command instructs the imaging device (16) to perform a particular action. In the case of *simple control*, the imaging device (16) is instructed to capture a video image at a preset position. Video images are comprised of a series of still image frames and, therefore, a frame of a video image is captured. Therefore, Noro et al. disclose, wherein the application program comprises one a still image capture program and video image capture program.

12. As for **Claims 38, 48, and 52**, Noro et al. disclose, as shown in figure 9 and as stated above, the accumulated commands are comprised of the action command (see explanation above) and the setup command (generated by Step S18). The accumulated commands are transmitted in Step S19, which is the last step in the flow of the control method. The

transmitting in Step S19 can only be reached once it is determined in Step 16 that one of the commands is the action command. Thus, Noro et al. disclose preventing any of the accumulated commands from being transmitted to the imaging device until the determination that one of the commands is the action command.

13. As for **Claims 51**, Noro et al. disclose, as stated above, that the action command is generated by the application program in response to a user's input into the console (46). The action command instructs the imaging device (16) to perform a particular action. In the case of *simple control*, the imaging device (16) is instructed to capture a video image at a preset position. Video images are comprised of a series of still image frames and, therefore, a frame of a video image is captured. Therefore, Noro et al. disclose, the capture of still images and the video images and, thus, Noro et al. disclose, wherein the camera is a multimode camera having a first mode to capture still image and a second mode to capture a video image.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15. **Claims 35 and 45** are rejected under 35 U.S.C. 103(a) as being unpatentable over Noro et al.

16. As for **Claims 35 and 45**, Noro et al. disclose, as stated in column 8 (lines 6 – 10), the data representative of the preset position buttons (61, 63, 65, 67, 69, and 71) of the *simple*

control is stored in the storage unit (32) of the imaging management device (12). As shown in figure 9 and as previously stated above, in Step S18, the application program generates a *simple control* command to position the imaging device (16) to the stored preset position data and, hence, the application program has generated a *setup command.* The representative data stored in the storage unit (32) is comprised of information corresponding to image sensing directions and zooming ratios, however, Noro et al. is silent with respect to the storage of information corresponding to an exposure time in the storage unit (32). Since, Noro et al. teach storing imaging device setup information, such as imaging sensing direction and zooming ratio information, at the time the invention was made, one with ordinary skill in the art would have been motivated to also include exposure time information in the storage unit (32). Thus, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included exposure time information in the storage unit (32), in addition to the imaging sensing direction and zooming ratio information.

Conclusion

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 703.305.8090. The Examiner can normally be reached on Monday through Thursday from 7:30 AM to 5:30 PM and on alternating Fridays from 7:30 AM to 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Wendy R Garber can be reached on 703.305.4929. The fax phone number for the organization where this application or proceeding is assigned is 703.872.9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM
April 21, 2004

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